

NOTICE OF PENDENCY OF FLSA LAWSUIT

From: Joseph & Herzfeld, LLP, Attorneys at Law

Law Offices of Jeffrey E. Goldman

To: All current and former tipped restaurant employees of Jean-Georges Enterprises, LLC; Jean-Georges Managment LLC; Perry Street Project LLC; Triomphe Restaurant Corp. d/b/a Jean-Georges Restaurant and Nougatine; Origine LLC d/b/a JoJo Restaurant; Spice Market LLC; Leonard Street LLC d/b/a/ 66 Restaurant; Jean Georges Vongerichten and related entities (collectively "Defendants" or "Jean-Georges") who were employed by Defendants in any tipped position, including but not limited to captains, servers, runners, bussers, bartenders and/or barbacks ("Covered Employees") within the last three years.

Re: Collective action lawsuit against Defendants under the federal Fair Labors Standards Act.

The purpose of this Notice is to advise you of a lawsuit under the federal Fair Labor Standards Act that has been filed against Defendants and to advise you of the legal rights you have in connection with that suit.

1. DESCRIPTION OF THE LAWSUIT.

The Named Plaintiffs, on behalf of themselves and all others similarly situated, filed this lawsuit against Defendants on July 26, 2007. The law firms of Joseph & Herzfeld, LLP, and the Law Offices of Jeffrey E. Goldman, represent the plaintiffs in this lawsuit.

The claims in this lawsuit made under the federal Fair Labor Standards Act allege primarily that Defendants: (1) failed to pay employees the federal minimum (and or overtime) wage for all hours worked; and (2) illegally retained portions of employees' tips by requiring them to share tips with managerial employees and allowing managerial employees to participate in tip-pools.

2. YOUR RIGHT TO MAKE A CLAIM IN THIS LAWSUIT.

If at any time within the last three years, you worked as a tipped employee with Defendants and you believe that you were subject to any of the illegal practices described above, you have the right to assert claims under the Fair Labor Standards Act ("FLSA") in this lawsuit.

To assert the FLSA claim you must sign a written Consent to be a "party-plaintiff" in the lawsuit. This form will be filed in the Court. It is entirely your own voluntary decision whether or not to sign and file the consent. Please be advised that, if you do file the

consent and thus make an FLSA claim, it is against the law for Defendants to retaliate against you for doing so.

3. HOW TO MAKE A CLAIM IN THIS LAWSUIT.

Attached to this Notice is a form entitled "Consent to Make a Claim in Lawsuit under Federal Fair Labor Standards Act (FLSA)." In order to make an FLSA claim in the lawsuit, fill out the form, sign it, and fax, mail or overnight it to:

D. Maimon Kirschenbaum  
Joseph & Herzfeld, LLP  
Attorneys at Law  
757 Third Avenue, Suite 2500  
New York, NY 10017  
Phone: (212) 688-5640  
Fax: (212) 688-2548  
Email: maimon@jhlpl.com

If you sign and mail the form, it will be filed with the court and you will become a "party plaintiff." Thus you will become a client of the above attorneys, who represent the plaintiffs in the lawsuit. The attorneys' fee arrangement for this case provides that Plaintiffs' counsel are handling this matter on a contingency basis, *i.e.*, that the attorneys' fees and costs will be determined on a percentage basis based on the recovery on behalf of Plaintiffs and that Plaintiffs will not be responsible for fees and/or costs if there is no recovery for the Plaintiffs. The agreement further provides that at the conclusion of the case, Plaintiffs' counsel will make an application to the Court for the recovery of fees and costs, that the Court has discretion of the amount of fees to award, and that the fees may be as much as 33% of any settlement fund or judgment, after the deduction of costs and expenses. Also enclosed is a form entitled "Client Information." It is to enable these attorneys to contact you. To furnish this information to the attorneys, fill out the form and mail it to the attorneys at the above address.

For your convenience, a self-addressed, postage paid envelope is enclosed. If you have any questions with respect to this suit, you may call Maimon Kirschenbaum at Joseph & Herzfeld, LLP, phone number (212) 688-5640.

4. THE LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM.

If you do not file a consent form, you will not receive any money or other relief for FLSA claims in the lawsuit. If you do file a consent form, you will be bound by the judgment of the court on all FLSA issues in the case, win or lose.

5. ALTHOUGH THE COURT HAS APPROVED THE SENDING OF THIS NOTICE, THE COURT EXPRESSES NO OPINION ON THE MERITS OF THIS LAWSUIT.

**PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.**

Dated: \_\_\_\_\_

D. Maimon Kirschenbaum (DK-2338)  
Joseph & Herzfeld LLP  
757 Third Avenue  
25<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 688-5640  
Fax: (212) 688-2548

Client Information

Name: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

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